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ABSTRACT

Reviewed in the document are the implications of Public Law 94-142, the Education For All Handicapped Children Act of 1975, and related implementation strategies regarding educational programing.. Focused on are aspects of individual educational plans; and specifically considered are diagnostic procedures, the role of behavioral objectives and subsequent remedial programing, precision teaching, behavioral management, and parental involvement. (IM)

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PUBLIC LAW 94-142

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975 -

INDIVIDUALIZED EDUCATION PROGRAMS:

CONTENT AND RELATED ISSUES

WILLIAM D. BROWN

A paper presented before the 32nd Association for Supervision and Curriculum Development Annual Conference, Houston, Texas, March, 1977.

Public Law 94-142 requires an individualized education program (IEP) to be developed for each handicapped child to ensure the provision of a free appropriate public education. This mandate for IEP's demands new responsibilities of teachers and administrators to focus their emphasis from categorical groups to characteristics of the individual handicapped student. Kirk (1966) decried the practice of labeling and categorization by stressing the lack of correspondence between such categorization and educational instruction of various handicapped children. He summarized his beliefs at the Third Annual Conference of the American Association for Children with Learning Disabilities:

Instead of classifying children into categories, and instead of worrying about the etiological classifications, names, labels and categories, the concentration of most workers at this conference - Kephart, Myklebust, Frostig, and many others - is an attempt to analyze the child's ability in such a way that remediation and training can follow.

The traditionally utilized approaches to education which attempt to fit children into predetermined learning models and the accompanying instructional methods and materials are no longer appropriate for the education of handicapped children. PL94-142 establishes a nationwide commitment to develop or adapt methodologies, materials, and educational objectives which are specific to the individual handicapped child's needs.

While PL94-142 is generally considered as a complex, innovative, and highly specific piece of legislation, many of the concepts incorporated into the law are actually the reiteration of what "good" educational practices ought to be. Dewey recognized the importance of individuality in teaching long ago and wrote:

Strictly speaking, method is thoroughly individual. Each has his own instinctive way of going at a thing; the attitude and the mode of attack are individual. To ignore this individuality of approach, to try to substitute for it, under the names of 'general method', a uniform scheme of procedure, is simply to cripple the only effective agencies of operation and to overlay them with a mechanical formalism that produces only a routine conventionality of mental quality (1913, p.202).

The basic concept of individualization applied as an educational instructional process can be traced throughout the history of education. In 1868, a formal process of individualization was introduced as the St. Louis Plan. Later programs included the Dalton Plan (Saettler, 1968)

introduced in 1919 in Massachusetts and the Morrison Plan (Morrison, 1926) conceived in 1920 in Illinois. More recent instructional approaches involved various individualized schemas, for example, programmed learning, individually prescribed instruction, and computer assisted instruction.

Concerns related to the development, implementation, and evaluation of the recently mandated IEP's are now being expressed throughout our educational communities. Issues of concern include numerous related items which are, or potentially can be, involved with IEP's including: native language, parents unwilling or unable to participate in a planning conference, and existing or limited resources of a school district for handicapped children. It appears that many of the concerns, however, relate to the fact that educators are being required to set forth in writing their best educational judgements for handicapped children in developing an IEP. Educators, recognizing the tremendous variability of how children learn face this requirement with trepidation.

The development of an IEP clearly indicates that educational decisions must be made. Relevant information concerning a handicapped child must be assessed, judgements must be made, and a course of action must be determined. The IEP represents a rational process of educational decision making.

Livingston (1953) previously discussed decision making in the context of management as administration. He stated:

If we expand the concept of decision-making to include, on the one hand, the process by which the decision is arrived at, and on the other hand, to include the process by which we implement or make the decision "work", and if we further recognize that this is a continuing, dynamic process rather than an occasional event, then decisioning means something quite different than heretofore and becomes the basis of all managerial action (p. 659):

His view considers decision-making as an ongoing process and also interrelates action into the process. These two points relate closely to the IEP as the intent is to make it an active ongoing process of setting objectives and evaluating the results of instruction after a period of time.

Viewing the IEP in a more positive context, possible advantages exist for educators due to requirements set forth in the PL94-142. The law mandates that educational plans shall be developed for each handicapped child. According to the law, these plans shall be formulated on the basis of relevant evaluations of each handicapped child. This requirement guards against the practice of making educational decisions on the basis of existing data or in some cases, irrelevant data. The prognosis for the education of each handicapped child shall be pre-developed by those instructional personnel who have responsibilities for the instructional program of the child. This removes the tremendous responsibility of developing such a plan from the individual teacher and places it on the recommendation of a group of professionals. Furthermore, parental involvement in developing the IEP permits them an

opportunity to understand the rationale behind the decisions made concerning their child and, when they agree with a developed IEP, in effect commit themselves the pre-stated educational program for their handicapped child.

The personnel involved with the instruction or administration of the educational program of the handicapped child are also provided with a means of determining the accountability of the educational plan. The requirements of specific short-term instructional objectives coupled with the requirement of at least an annual re-evaluation permits educational personnel to objectively assess their previous educational plan. This situation presents the opportunity to reaffirm earlier convictions which would greatly enhance educational credibility with the handicapped child's parents, or to modify or adjust their convictions which would be done for the ultimate benefit of furthering the handicapped child's educational chances. This possibility may be viewed as negative by educators, but it is critical that we, as educators, realize that plans, or even dreams, for children do not always come to fruition. This fact was recognized by Congress during the development of PL94-142. Congressman Quie stated before the House of Representatives that

"It is important to point out that (the individualized education program) is an educational program developed jointly, but it is not intended as a binding contract by the schools, children, and parents." (Congressional Record, 1975, p. H7152).

The stage was set by Congress by its passage of Senate Bill 6, and President Ford committed the nation to the complex principles embodied in the education of handicapped children when he signed PL94-142 into law on November 29, 1975. The responsibility for providing these educational services to handicapped children now lies with the school of our nation.

Let attention now be focused on the specific requirements related to IEP's included in PL94-142 and the Proposed Rules (Federal Register, 1976, p. 56966-56998) to implement the statute as developed by the United States Office of Education's Bureau of Education for the Handicapped (BEH).

Public Law 94-142
Education for All Handicapped Children Act of 1975

Section 602 (a)(19) of the Act defines IEP as follows:

The term 'individualized education program' means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever

appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

Additional sections of the law address IEP's as can be seen in the following:

Section 612 (4);

Each local educational agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in section 614 (a)(5).

Section 613 (a)(11);

provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized educational programs), in accordance with such criteria that the Commissioner shall prescribe pursuant to section 617.

Section 614 (a)(5);

provide assurances that the local educational agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually.

and Section 615 (b)(1)(C);

written prior notice to the parents or guardian of the child whenever such agency or unit -

(i) proposes to initiate or change, or

(ii) refuses to initiate or change,

the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

Considered in their entirety, these sections form the minimum requirements of the IEP which must be provided in order to be in compliance with PL94-142. However, each state may establish more specific requirements should it determine that more specificity is necessary.

Proposed Rules

Education of Handicapped Children and Incentive Grants Program

45 CFR Parts 1006, 121a, and 121m

Part 121 a, Subpart C, Sec. 121a.220-226 addresses the issue of IEP's as follows:

Section 121a.220 Scope.

Each State and local educational agency shall insure that an individualized education program is provided for each handicapped child who is receiving or will receive special education, regardless of what institution or agency provides or will provide special education to the child.

Section 121a.221 State educational agency responsibility.

(a) The State educational agency shall insure that each local educational agency establishes and implements an individualized education program for each handicapped child.

(b) The State educational agency shall require each public agency which provides special education or related services to a handicapped child to establish policies and procedures for developing, implementing, reviewing, maintaining, and evaluating an individualized education program for that child.

Section 121a.222 Local educational agency responsibility.

(a) Each local educational agency shall develop, or revise, whichever is appropriate, an individualized education program for every handicapped child at the beginning of the school year, and review and if appropriate revise its provisions periodically, but not less than annually.

(b) Each local educational agency is responsible for initiating and conducting meetings for developing, reviewing, and revising a child's individualized education program.

(c) For a handicapped child who is receiving special education, a meeting must be held early enough so that the individualized education program is developed (or revised, as appropriate) by the beginning of the next school year.

(d) For a handicapped child who is not receiving special education, a meeting must be held within thirty days of a determination that the child is handicapped, or that the child will receive special education.

Section 121a.223 Participants in meetings.

The local educational agency shall insure that each meeting includes the following participants:

(a) A representative of the local educational agency, other than the child's teachers, who is qualified to provide, or supervise the provision of, special education.

(b) The child's teacher or teachers, special or regular, or both, who have a direct responsibility for implementing the child's individualized education program.

(c) One or both child's parents, subject to Section 121a.225.

(d) Where appropriate, the child.

(e) Other individuals, at the discretion of the parent or agency.

Section 121a.224 Parent participation.

(a) Each local educational agency shall take steps to insure that one or both of the parents of the handicapped child are present at each meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed on time and place.

(b) If neither parent can attend, the local educational agency shall use other methods to insure parent participation, including individual or conference telephone calls.

(c) A meeting may be conducted without a parent in attendance if the local educational agency is unable to convince the parents that they should attend. In this case the local educational agency must have a record of its attempts to arrange a mutually agreed on time and place, such as:

(1) Detailed records or telephone calls made or attempted and the results of those calls,

(2) Copies of correspondence sent to the parents and any responses received and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(d) The local educational agency shall take whatever action is necessary to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

Section 121a.225 Content of individualized education program.

The individualized education program for each child must include:

(a) A statement of the child's present levels of educational performance, including academic achievement, social adaptation, prevocational and vocational skills, psychomotor skills, and self-help skills.

(b) A statement of annual goals which describes the educational performance to be achieved by the end of the school year under the child's individualized education program;

(c) A statement of short-term instructional objectives, which must be measurable intermediate steps between the present level of educational performance and the annual goals;

(d) A statement of specific educational services needed by the child, (determined without regard to the availability of those services) including a description of:

(1) All special education and related services which are needed to meet the unique needs of the child, including the type of physical education program in which the child will participate, and

(2) Any special instructional media and materials which are needed;

(e) The date when those services will begin and length of time the services will be given;

(f) A description of the extent to which the child will participate in regular education programs;

(g) A justification for the type of educational placement which the child will have;

(h) A list of the individuals who are responsible for implementation of the individualized education program; and

(i) Objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

Section 121a.226 Private school placements.

(a) The State educational agency shall insure that an individualized education program is developed, maintained, and evaluated for each child placed in a private school by the State educational agency or a local educational agency.

(b) The agency which places or refers a child shall insure that provision is made for a representative from the private school (which may be the child's teacher) to participate in each meeting. If the private school representative cannot attend a meeting, the agency shall use other methods to insure participation by the private school, including individual or conference telephone calls.

The degree of specificity is considerably greater in the Proposed Rules as compared with PL94-142. As the Proposed Rules were significantly revised by BEH numerous times in the process of their development, it may be projected that many of the concepts embodied therein will be the primary base of the finalized Rules and Regulations. The finalized Rules and Regulations, when published, will become an administrative form of federal law which will, of necessity, have to be complied with. It is the intent of the remainder of this paper to address key concepts of the Proposed Rules as they relate to IEP's.

Participants in Meetings

Each local educational agency (LEA) is required to include at each IEP meeting which it holds a representative of the LEA, other than the child's teacher, a person who is qualified to provide, or supervise the provision of, special education. In most cases, this person will probably be the child's principal or a special education supervisor. It is recommended that such a person have a degree of knowledge about the child, authority to implement decisions, and ability to provide support to personnel who provide instruction to the child. The child's teacher or teachers, regular or special, or both, who have direct responsibility for implementing the IEP is(are) required to be included in each IEP meeting. This requirement is included to assure that instructionally relevant data is included in the development of the IEP and that the teacher or teachers responsible for implementing the IEP will fully understand the rationale for its development. The IEP of necessity, must be a valid document and the teacher's skills must be adequate to analyze and interpret the performance and behavior of the handicapped child if the IEP is to fulfill its stated intent. Finally, the child's parent or parents must be included as a participant in each IEP meeting. It is believed that the inclusion of such persons in the planning process may provide information that will give greater understanding of the needs of the individual child, and provide the opportunity for parental cooperation through their understanding of the educational decisions established for their child and the rationale underlying those educational decisions.

Again, educational agencies must fulfill these minimum requirements should they become finalized in the Rules and Regulations, however, each educational agency would be permitted to establish additional criteria for inclusion of other personnel.

Individualized Education Program Content

The content to be included in each IEP is specifically addressed in Section 121a.225. The following recommendations for meeting these requirements have been adopted from Functions of the Placement Committee in Special Education: A Resource Manual which was published by the National Association of State Directors of Special Education in 1976.

Components of the IEP

The vehicle for translating child evaluation information into practical planning for the child, i.e., the IEP, should at the minimum contain the following components:

- (a) Present level of educational performance;
- (b) Annual goals and short-term objectives;
- (c) Specific educational services to be provided;
- (d) Extent to which child will participate in regular classroom;
- (e) Projected date for initiation and duration of services;
- (f) Objective criteria and evaluation procedures; and
- (g) Schedule and procedures for review (must be at least annually).

The IEP may be thought of as a series of levels which become more specific as they move closer to the actual implementation of the program with the child.

Because the IEP flows directly into implementation, the written program itself cannot be thought of as a one-time thing. Rather, it must be thought of as a flexible response to the changing needs of the child. Information on the child should flow back up through the implementer level to the IEP meeting participants, and should have direct bearing for making changes in the IEP.

◊ The following tasks provide a possible format for developing the IEP:

Task 1: Outlining Areas of Concern or Need

The first task of the IEP meeting participants function is to review the information gathered during the child evaluation process. These should now be viewed from the perspective of their usefulness as a basis for developing the IEP. Using this information, the participants should list the child's present levels of performance in each learning area, including both strengths and weaknesses and areas possibly in need of intervention from support services.

Task 2: Prioritizing Long-Term Goals

One of the first decisions that the participants have to make in developing and implementing the IEP is where to start. This process is called prioritizing, which means deciding which needs should be addressed first. The following is a list of critical areas to consider in making this important decision:

- (a) What are the priority parental concerns?
- (b) What are priority teacher concerns?
- (c) What are the appropriate developmental sequences of tasks or behaviors that the child would be expected to move through?
- (d) What behaviors appear to be the most modifiable, as determined from baseline assessment data including the child's strengths, weaknesses, and learning style?
- (e) Are there any other crucial considerations one needs to make in selecting areas of educational need, such as any problem areas that are truly dangerous for the child, injurious to his/her health, or others.

For each of the areas of need, the participants should write a long-term goal statement. These will then be prioritized in terms of their importance. Each goal statement will reflect what the participants expect to be able to accomplish with the child on a long-term basis. Since federal law requires at least an annual review of progress, it is recommended that these long-term goals be stated in annual terms. Goals should be stated in measurable terms; this will facilitate monitoring and evaluation of the IEP's appropriateness.

The participants' objective in Task 2 is, therefore, to discuss needs and decide which needs are most important to meet at this particular time. These should be stated as long-term goals. These statements will be used as a basis for specifying services that the child will receive. The number of goal statements needed is dependent upon the child's needs and may range from one to several. Care should be taken not to have so many goal statements that accomplishment is impossible. In the case of a child with many needs, the participants should concentrate initially on high priority goals, and later move to other areas.

Task 3: Writing Short-Term Objectives for Prioritized Goals

For each of the long-term goals outlined in Task 2, the participants should develop several short-term objectives, i.e., statements describing, in specific, objective and measurable terms, the intermediate steps which together will help the child to accomplish the goal. Short-term, in this case, refers to several periods of time within the long-term goal; the actual length of time chosen is up to the participants. For example, short-term objectives may be set to

correspond in time to each reporting period. Or they may be set as weekly objectives or bi-annual objectives.

Within the annual review requirements, time periods covered by both goals and objectives are extremely flexible. The participants should make use of this flexibility in developing statements which fit (a) the child's needs, and (b) the school system's needs.

The participants should develop a similar set of short-term objectives for each goal statement listed.

Task 4: Specifying Services Needed

For each of the objectives listed the participants should specify the type of service needed to meet that objective. This statement will be in general terms, and will define the service area in which implementation will occur. This would include service areas such as regular or special classroom instruction, transportation, social services, or therapy.

In many cases, the type of service needed will be the same for all short-term objectives within a goal statement. In other cases, type of service may vary for different objectives. The assignment of services is not a placement decision. It is a listing of types of services that will best meet the child's needs.

Task 5: Specifying Persons Responsible

Within each service area, the participants should assign a specific person who will be responsible for seeing that the objectives in his/her service area are met. This person will in most cases be the implementer who will later develop the educational instructional plan for that service area.

Task 6: Specifying Percentage of Time

For each service area listed in Task 4, the participants should estimate a percentage of time that will reflect how much time the child will spend in receiving that service. This percentage may be on a daily, weekly, monthly, semester, or yearly basis. The participants should decide which of these best fits the child's and their own needs. The total percentage of time for all services, will equal at least 100 percent. (In cases where a child receives special education services within a regular setting, the total percentage may be more than 100 percent).

Task 7: Setting Timelines

For each objective listed, the participants should establish a time when services will start and when services are estimated to end. If objectives within one goal statement are progressive, then the estimated ending date will correspond to the beginning date of the next objective. If objectives are not progressive, the dates will overlap.

The participants should set dates on which they will review the child's progress towards the annual goals and the short-term objectives. These dates will usually correspond to the ending dates for objectives. They may also correspond to the dates that the participants set for reporting, e.g., twice a year.

Task 8: Stating Percentage of Time in Regular Classroom

A statement of the percentage of time that a child will spend in a regular classroom is required by PL94-142. Percentage could range from zero percent up to 100 percent. An examination of the percentages of time for each service area should allow participants to estimate this fairly easily.

Task 9: Making a Placement Recommendation

This task of the participants in completing the IEP should be to decide upon a placement recommendation. This placement should reflect the place where the services needed by the child, as already indicated, will best be delivered.

Task 10: Making Specific Recommendations for Implementation

The participants may make specific suggestions to implementers. Such suggestions might include types of activities to use in reaching goals, resource materials, and resource persons. The purpose of this is to give the implementer some access to the competencies available among the IEP meeting participants.

Task 11: Establishing Objective Evaluation Criteria

For each goal statement, the participants should state how accomplishment of that goal will be evaluated. If goals and objectives have been stated in measurable terms, then the criteria have already been set. This should be stated.

The evaluation procedures are to determine, as a minimum, (a) if satisfactory progress toward the annual goals is being achieved, (b) if the annual goals or short-term instructional objectives need revision, (c) if services need to be altered, and (d) if the student can benefit from a less restrictive environment. The child's IEP and services will be modified within a reasonable period of time accordingly, as determined by the review process.

The participants may wish to indicate support service responsibilities to aid implementers in further developing and implementing the IEP.

Placement

PL94-142 requires ". . . procedures to insure that to the maximum extent appropriate, handicapped children . . . are educated with children who are not handicapped, and that special classes, separate schooling or other removal of handicapped children from the regular education environment occurs only if the nature or severity of handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (PL94-142, Section 613 (a)(13)(B)). This requirement is frequently referred to as placement in the "least restrictive environment".

The following three models represent possible alternatives in viewing educational placements:

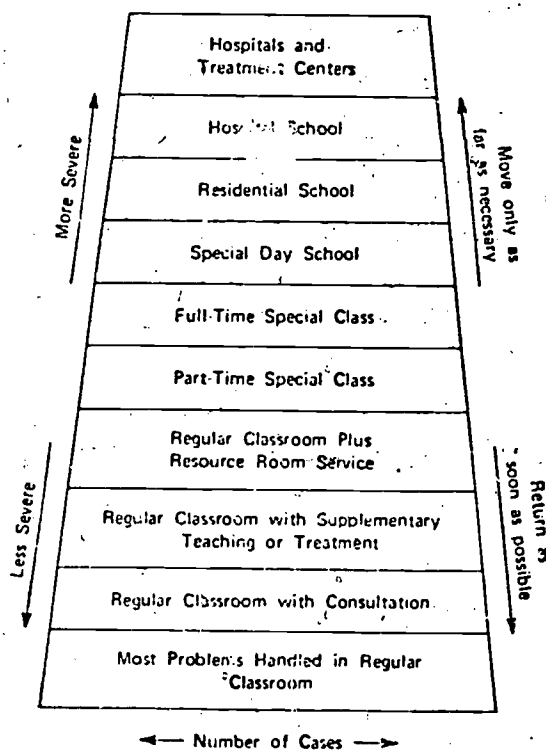
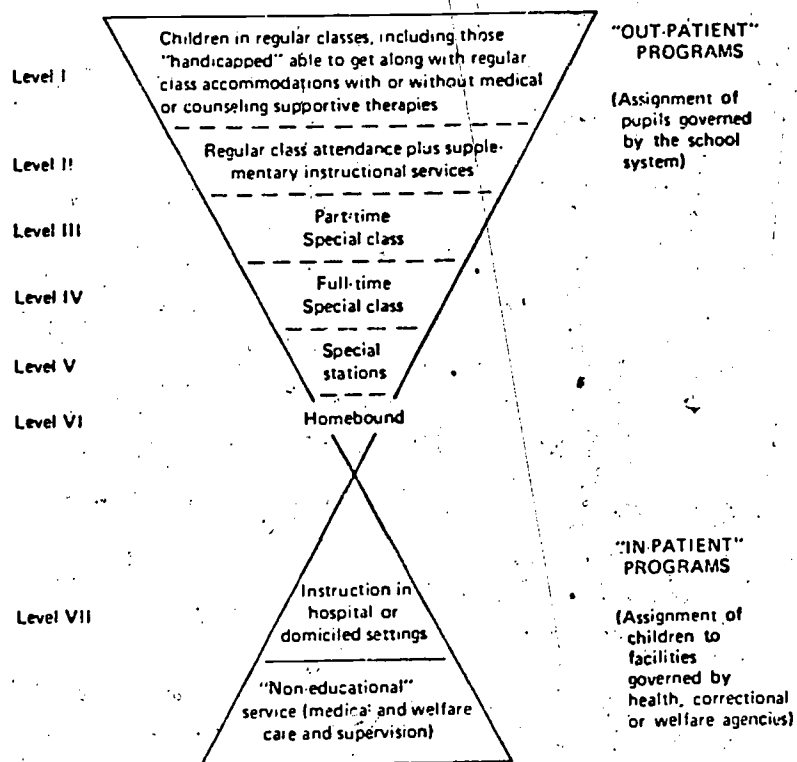


FIGURE 3.

A FRAMEWORK FOR CONSIDERING SOME ISSUES IN SPECIAL EDUCATION.
(SEE MAYNARD REYNOLDS, PART I, PP. 3-36.)



The tapered design is used in the chart to indicate the considerable difference in the numbers involved at the different levels and call attention to the fact that the system serves as a diagnostic filter. The most specialized facilities are likely to be needed by the fewest children on a long term basis. This organization model can be applied to development of special education services for all types of disability.

FIGURE 2.

THE CASCADE SYSTEM OF SPECIAL EDUCATION SERVICE (EVELYN DENO)

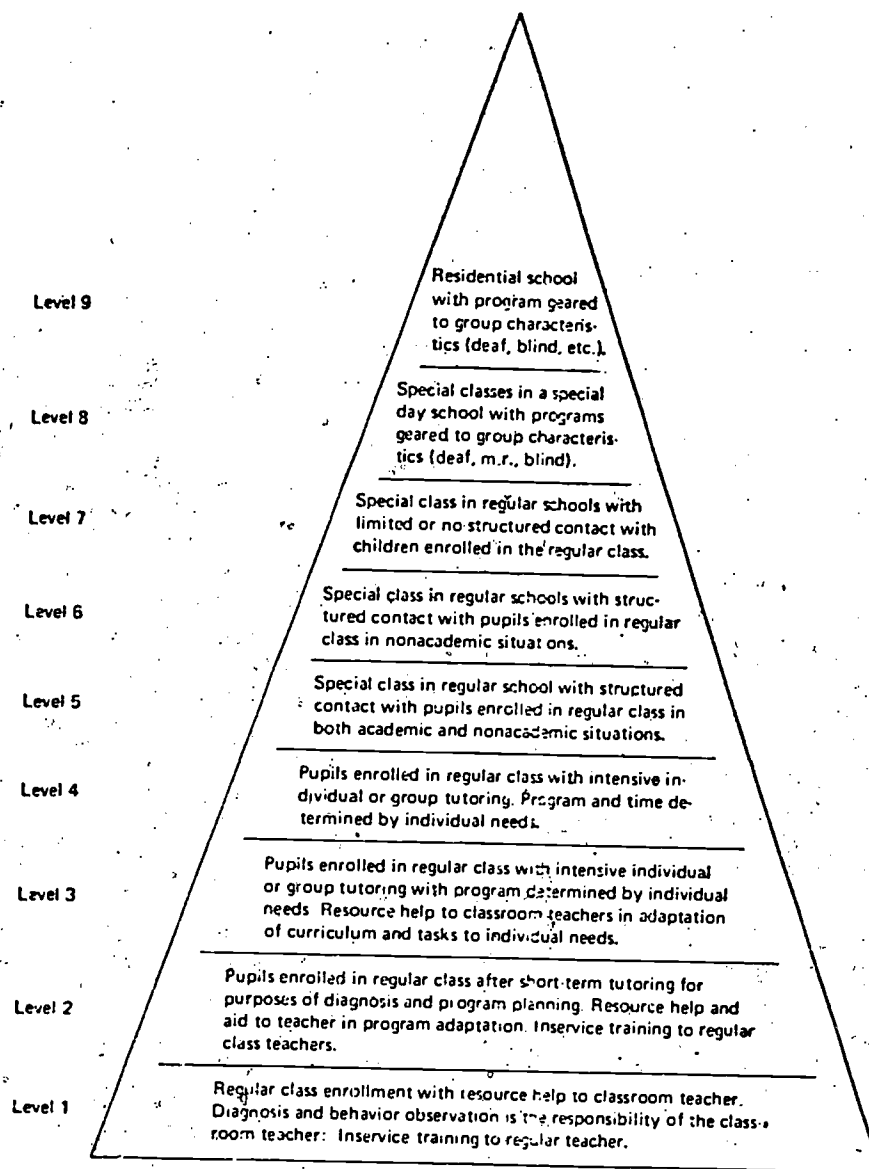


FIGURE 1.

LEVELS OF INSTRUCTIONAL INTERVENTION WITHIN PUBLIC SCHOOL
SPECIAL EDUCATION PROGRAMS (WILLENBERG, 1968)

While the requirements of the IEP in PL94-142 represent a significant difference when considered with past special educational practices, it is hoped that the benefits gained by handicapped children will outweigh the administrative and instructional difficulties now being faced. Perhaps these requirements may lead the way to understanding more fully what "good" instruction is and the process by which all children learn.

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